

Whereas, in June 2018, the University of Michigan agreed to change its restrictive speech code on the same day the United States Department of Justice filed a statement of interest in support of a lawsuit in Federal court challenging the constitutionality of the speech code of the university;

Whereas, in December 2018, the Los Angeles Community College District, a 9-campus community college district that includes Pierce College, settled a lawsuit for \$225,000 and changed its restrictive speech policies after it was sued in Federal court for prohibiting a Pierce College student from distributing Spanish-language copies of the Constitution of the United States on campus unless he stood in the free speech zone, which comprised approximately 0.003 percent of the total area of the 426 acres of the college;

Whereas, in December 2018, the University of California, Berkeley, home of the 1960s campus free speech movement, settled a lawsuit for \$70,000 and changed its restrictive policies after it was sued in Federal court for singling out one student group, apart from other student groups, with the imposition of stricter rules for inviting "high-profile" public speakers;

Whereas the States of Virginia, Missouri, Arizona, Kentucky, Colorado, Utah, North Carolina, Tennessee, Florida, Georgia, Louisiana, South Dakota, and Iowa have passed legislation prohibiting public colleges and universities from quarantining expressive activities on the open outdoor areas of campuses to misleadingly labeled free speech zones; and

Whereas free speech zones have been used to restrict political speech from all parts of the political spectrum and have thus inhibited the free exchange of ideas at campuses across the country: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that free speech zones and restrictive speech codes are inherently at odds with the freedom of speech guaranteed by the First Amendment to the Constitution of the United States;

(2) recognizes that institutions of higher education should facilitate and recommit themselves to protecting the free and open exchange of ideas;

(3) recognizes that freedom of expression and freedom of speech are sacred ideals of the United States that must be vigorously safeguarded in a world increasingly hostile to democracy;

(4) encourages the Secretary of Education to promote policies that foster spirited debate, academic freedom, intellectual curiosity, and viewpoint diversity on the campuses of public colleges and universities; and

(5) encourages the Attorney General to defend and protect the First Amendment across public colleges and universities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3863. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.; which was ordered to lie on the table.

SA 3864. Mr. BROWN (for himself, Mr. WHITEHOUSE, Ms. ERNST, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 2792, supra; which was ordered to lie on the table.

SA 3865. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended

to be proposed by him to the bill S. 2792, supra; which was ordered to lie on the table.

SA 3866. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2792, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3863. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ REAUTHORIZATION OF SBIR AND STTR PROGRAMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking "September 30, 2022" and inserting "September 30, 2027".

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking "2022" and inserting "2027".

SA 3864. Mr. BROWN (for himself, Mr. WHITEHOUSE, Ms. ERNST, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 5 ____ PILOT PROGRAM ON ACTIVITIES UNDER THE TRANSITION ASSISTANCE PROGRAM FOR A REDUCTION IN SUICIDE AMONG VETERANS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a pilot program to assess the feasibility and advisability of providing the module described in subsection (b) and the services described in subsection (c) as part of the Transition Assistance Program for members of the Armed Forces participating in the Transition Assistance Program as a means of reducing the incidence of suicide among veterans.

(b) MODULE.—The module described in this subsection is a three-hour module under the Transition Assistance Program for each member of the Armed Forces participating in the pilot program that includes the following:

(1) An in-person meeting between the cohort of the member and a social worker or mental health provider in which the social worker or mental health provider—

(A) counsels the cohort on specific potential risks confronting members after discharge or release from the Armed Forces, including loss of community or a support system, isolation from family, friends, or society, identity crisis in the transition from military to civilian life, vulnerability viewed as a weakness, need for empathy, self-medication and addiction, importance of sleep and exercise, homelessness, and reasons why veterans attempt and complete suicide;

(B) in coordination with the inTransition program of the Department of Defense, counsels members of the cohort who have been diagnosed with physical, psychological, or neurological issues, such as post-traumatic stress disorder, traumatic brain injury, adverse childhood experiences, depression, and bipolar disorder, on—

(i) the potential risks for such members from such issues after discharge or release; and

(ii) the resources and treatment options afforded to members for such issues through the Department of Veterans Affairs, the Department of Defense, and non-profit organizations;

(C) counsels the cohort about the resources afforded to victims of military sexual trauma through the Department of Veterans Affairs; and

(D) counsels the cohort about the manner in which members might experience grief during the transition from military to civilian life, and the resources afforded to them for grieving through the Department of Veterans Affairs.

(2) In coordination with the Solid Start program of the Department of Veterans Affairs, the provision to each cohort member of contact information for a counseling or other appropriate facility of the Department of Veterans Affairs in the locality in which such member intends to reside after discharge or release.

(3) The submittal by cohort members to the Department of Veterans Affairs (including both the Veterans Health Administration and the Veterans Benefits Administration) of their medical records in connection with service in the Armed Forces, whether or not such members intend to file a claim with the Department for benefits with respect to any service-connected disability.

(c) SERVICES.—The services described in this subsection in connection with the Transition Assistance Program for each member of the Armed Forces participating in the pilot program are the following:

(1) Not later than 90 days after the discharge or release of the member from the Armed Forces, a contact of the member by a social worker or behavioral health coordinator from the Department of Veterans Affairs to schedule a follow-up appointment with a social worker or behavioral health provider at the facility applicable to the member under subsection (b)(2) to occur not later than 90 days after such contact.

(2) During the appointment scheduled pursuant to paragraph (1)—

(A) an assessment of the member to determine the experiences of the member with events during service in the Armed Forces that could lead, whether individually or cumulatively, to physical, psychological, or neurological issues, including issues described in subsection (b)(1)(B); and

(B) the development of a medical treatment plan for the member, including treatment for issues identified pursuant to the assessment under subparagraph (A).

(d) LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at not fewer than 10 Transition Assistance Centers of the Department of Defense that serve not fewer than 300 members of the Armed Forces annually that are jointly selected by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of the pilot program.

(2) MEMBERS SERVED.—The centers selected under paragraph (1) shall, to the extent practicable, be centers that, whether individually or in aggregate, serve all the Armed Forces and both the regular and reserve components of the Armed Forces.

(e) SELECTION AND COMMENCEMENT.—The Secretary of Defense and the Secretary of

Veterans Affairs shall jointly select the locations of the pilot program under subsection (d)(1) and commence carrying out activities under the pilot program by not later than 120 days after the date of the enactment of this Act.

(f) DURATION.—

(1) IN GENERAL.—The duration of the pilot program shall be five years.

(2) CONTINUATION.—If the Secretary of Defense and the Secretary of Veterans Affairs recommend in the report under subsection (g) that the pilot program be extended beyond the date otherwise provided by paragraph (1), the Secretaries may jointly continue the pilot program for such period beyond such date as the Secretaries jointly consider appropriate.

(g) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and every 180 days thereafter during the duration of the pilot program, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the activities under the pilot program.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of the members of the Armed Forces who participated in the pilot program during the 180-day period ending on the date of such report, disaggregated by the following:

- (i) Sex.
- (ii) Branch of the Armed Forces in which served.
- (iii) Diagnosis of, or other symptoms consistent with, military sexual trauma, post-traumatic stress disorder, traumatic brain injury, depression, or bipolar disorder in connection with service in the Armed Forces.

(B) A description of the activities under the pilot program during such period.

(C) An assessment of the benefits of the activities under the pilot program during such period to veterans and family members of veterans.

(D) An assessment of whether the activities under the pilot program as of the date of such report have reduced the incidence of suicide among members who participated in the pilot program within one year of discharge or release from the Armed Forces.

(E) Such recommendations as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate regarding expansion of the pilot program, extension of the pilot program, or both.

(h) TRANSITION ASSISTANCE PROGRAM DEFINED.—In this section, the term “Transition Assistance Program” means the program of assistance and other transitional services carried out pursuant to section 1144 of title 10, United States Code.

SA 3865. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. NOTIFICATIONS AND REPORTS REGARDING REPORTED CASES OF BURN PIT EXPOSURE.

(a) QUARTERLY NOTIFICATIONS.—

(1) IN GENERAL.—On a quarterly basis, the Secretary of Veterans Affairs shall submit to

the appropriate congressional committees a report on each reported case of burn pit exposure by a covered veteran reported during the previous quarter.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include, with respect to each reported case of burn pit exposure of a covered veteran included in the report, the following:

(A) Notice of the case, including the medical facility at which the case was reported.

(B) Notice of, as available—

(i) the enrollment status of the covered veteran with respect to the patient enrollment system of the Department of Veterans Affairs under section 1705(a) of title 38, United States Code;

(ii) a summary of all health care visits by the covered veteran at the medical facility at which the case was reported that are related to the case;

(iii) the demographics of the covered veteran, including age, sex, and race;

(iv) any non-Department of Veterans Affairs health care benefits that the covered veteran receives;

(v) the Armed Force in which the covered veteran served and the rank of the covered veteran;

(vi) the period in which the covered veteran served;

(vii) each location of an open burn pit from which the covered veteran was exposed to toxic airborne chemicals and fumes during such service;

(viii) the medical diagnoses of the covered veteran and the treatment provided to the veteran; and

(ix) whether the covered veteran is registered in the Airborne Hazards and Open Burn Pit Registry.

(3) PROTECTION OF INFORMATION.—The Secretary shall ensure that the reports submitted under paragraph (1) do not include the identity of covered veterans or contain other personally identifiable data.

(b) ANNUAL REPORT ON CASES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall submit to the appropriate congressional committees a report detailing the following:

(A) The total number of covered veterans.

(B) The total number of claims for disability compensation under chapter 11 of title 38, United States Code, approved and the total number denied by the Secretary of Veterans Affairs with respect to a covered veteran, and for each such denial, the rationale of the denial.

(C) A comprehensive list of—

(i) the conditions for which covered veterans seek treatment; and

(ii) the locations of the open burn pits from which the covered veterans were exposed to toxic airborne chemicals and fumes.

(D) Identification of any illnesses relating to exposure to open burn pits that formed the basis for the Secretary to award benefits, including entitlement to service connection or an increase in disability rating.

(E) The total number of covered veterans who died after seeking care for an illness relating to exposure to an open burn pit.

(F) Any updates or trends with respect to the information described in subparagraphs (A), (B), (C), (D), and (E) that the Secretary determines appropriate.

(2) MATTERS INCLUDED IN FIRST REPORT.—

The Secretary shall include in the first report under paragraph (1) information specified in subsection (a)(2) with respect to reported cases of burn pit exposure made during the period beginning January 1, 1990, and ending on the day before the date of the enactment of this Act.

(c) INCLUSION OF INFORMATION AFTER DEATH AND PROVISION OF INFORMATION REGARDING OPEN BURN PIT REGISTRY.—Section 201(a) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note) is amended by adding at the end the following new paragraphs:

“(3) REPORTING OF INFORMATION AFTER DEATH.—The Secretary of Veterans Affairs shall permit a survivor of a deceased veteran to report to the registry under paragraph (1) the exposure of the veteran to toxic airborne chemicals and fumes caused by an open burn pit, even if such veteran was not included in the registry before their death.

“(4) INFORMATION REGARDING REGISTRY.—

“(A) NOTICE.—The Secretary of Veterans Affairs shall ensure that a medical professional of the Department of Veterans Affairs informs a veteran of the registry under paragraph (1) if the veteran presents at a medical facility of the Department for treatment that the veteran describes as being related to, or ancillary to, the exposure of the veteran to toxic airborne chemicals and fumes caused by open burn pits.

“(B) DISPLAY.—In making information public regarding the number of participants in the registry under paragraph (1), the Secretary shall display such numbers by both State and by congressional district.”.

(d) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report containing an assessment of the effectiveness of any memorandum of understanding or memorandum of agreement entered into by the Secretary of Veterans Affairs with respect to—

(1) the processing of reported cases of burn pit exposure; and

(2) the coordination of care and provision of health care relating to such cases at medical facilities of the Department of Veterans Affairs and at non-Department facilities.

(e) DEFINITIONS.—In this section:

(1) The term “Airborne Hazards and Open Burn Pit Registry” means the registry established by the Secretary of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

(2) The term “appropriate congressional committees” means—

(A) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

(B) The Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

(3) The term “covered veteran” means a veteran who presents at a medical facility of the Department of Veterans Affairs (or in a non-Department facility pursuant to section 1703 or 1703A of title 38, United States Code) for treatment that the veteran describes as being related to, or ancillary to, the exposure of the veteran to toxic airborne chemicals and fumes caused by open burn pits at any time while serving in the Armed Forces.

(4) The term “open burn pit” has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

(5) The term “reported case of burn pit exposure” means each instance in which a veteran presents at a medical facility of the Department of Veterans Affairs (or in a non-Department facility pursuant to section 1703 or 1703A of title 38, United States Code) for treatment that the veteran describes as